

**TOWN OF BIG FLATS
PLANNING BOARD
MEETING MINUTES**

*Filed with
Town Clerk
September 20, 2010*

SEPTEMBER 7, 2010

TOWN HALL
MEETING ROOM
6:30PM

MEMBERS PRESENT: Lance Muir, Carl Masler, Angela Piersimoni, Jim Ormiston, Scott Esty, Dave Seely, Bob Byland

MEMBERS ABSENT: None

STAFF PRESENT: Stephen Polzella, Director of Planning, Brenda Belmonte, Secretary

GUESTS: Don Gaylord, Teresa Dean, Mike Smith, Ed Fairbrother, Andy Gillette, MaryAnn Balland, Sue Brinthaup

Minutes
July 6, 2010

Motion by Piersimoni, seconded by Ormiston, to approve the minutes of July 6, 2010, as amended, Discussion, None, Motion Carries 7-0.

RESOLUTION P-2010-28
Cardinale Subdivision
Tax Parcel 97.00-1-18.2
44 Leach Hill Rd.

Resolution by: Byland
Seconded by: Seely

WHEREAS, this Board, as per Town of Big Flats Code 16.04.020-K, has determined that this proposal is a simple alteration of lot lines and is thus deemed a resubdivision; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board's uncoordinated review as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action,

has considered the comments of its staff, August 31, 2010, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and

BE IT FURTHER RESOLVED, to waive the normal subdivision procedures as per Town of Big Flats Code 16.04.020-K and grant final subdivision approval subject to the following conditions:

1. Within six (6) months of the date of this Resolution, the applicant shall submit four (4) paper copies and one (1) mylar of the revised plat, prepared in *final form* for final review by and signature by the Director of Planning. This Resolution authorizes only the activities approved herein.
2. The applicant shall file the final signed plat with the Chemung County Clerk within sixty-two (62) days of endorsement and before any realty transaction occurs.

CARRIED: AYES: Esty, Byland, Seely, Muir, Piersimoni, Ormiston, Masler
NAYS: None

Dated: Tuesday, September 7, 2010
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Polzella reviewed the application, explaining both parcels are pre-existing non-conforming with existing driveways.

Ormiston feels documentation is required from the current owner stating their acceptance to the proposal.

Zoning Amendment Review
With Comment from the Town Board

Muir referred to the staff report and asked for any comments as to the town board review of the proposed zoning amendments.

As to the addition of “Vehicle Sales/Lease, Small Scale”in BN, BN2, and BNR districts:

Esty asked if the terms for vehicle sales would require review from the planning board. This would allow conditions to be set, with more stringent conditions based on lot location.

Polzella reviewed the section of the staff report which stated Councilman Fairbrother was not in favor of this due to negative enforcement of small vehicle sales in the past.

Esty agreed that not being able to follow through with conditions due to time constraints, available officers, etc. is a concern. Currently, the distinction between small and large scale vehicles sales is not referenced. Perhaps it would be advantageous to distinguish between large and small scale.

Polzella suggested removing small scale vehicle sales from the BN district due to it being more of a residential nature than other districts. We have received a couple requests to do something similar to small vehicle sales on Route 352.

Esty commented that the BN district already has similar types of business such as gas stations and vehicle repair, so this is not uncharacteristic.

Polzella reiterated the concerns raised regarding enforcement.

Fairbrother referred to various instances in the past where enforcement was an issue. The problem with a small dealer is the quality of cars, causing concerns such as oil spillage. The question is how to put restrictions on these so they do not become a mess. Especially in areas that border residential neighborhoods. In the past, a small fine was charged, and the person continued on. We would need the court and code enforcement to back us up, which has not happened in the past. Without proper enforcement, we would end up with something looking like Lake Road in Elmira. We need to look closely at where we want some of these things; are you going to have a doctor's office next to a used car lot? We need to be cautious. Let's make sure we make good decisions before following through.

Esty referred to Wren's as an example of a positive addition.

Fairbrother agreed, saying they are not all bad, but we need to be very cautious where they are placed. We could be on the fringe of some residential areas.

Muir feels that section 17.36.190 of the Town Code is already very restrictive including the buffers. Given that, any time a site plan is proposed, this is what needs to be followed and enforced. Muir understands it can be a nice \$25 fine and the guy goes away happy. He feels we need a dedicated plan on how to go about enforcing regulations, for example, if someone repeats the violation.

Esty feels perhaps compromising by including a 'small' category, leaving in only motorcycles etc.

Polzella said that would be leaving out what this was intended for.

Dean is not sure we would want this use in all three districts (BN, BN2, BNR). One thing to keep in mind is that people test drive Simmons' cars in our residential neighborhoods. Often they go above the speed limit in areas like County Route 64 and Harris Hill. We have to ask if what we really want is small vehicle sales in these neighborhoods.

Esty asked if this is currently allowed only in the BR district and was told yes.

Seely asked what the impact would be if no changes were made.

Fairbrother said that was one of the ideas discussed. He understands people are coming in for zoning changes, however just because they ask for something doesn't mean it should be done. We all live in this community. What do we see down the road; not 1 year, not 5 years, but 10, 15, or 20 years? In opening these districts you are opening Pandora's Box.

Fairbrother then asked Attorney Bowes if the town has the right to revoke special permits if a violation exists.

Polzella said the special permit would be considered null and void once they are found in violation. They would need to come back into compliance.

Fairbrother asked if a special use permit given by the town board would be more enforceable and able to be pulled.

Polzella stated it would give more leverage as to all the criteria needing to be met.

Piersimoni asked if it would be possible to put this aside for review by both the town board and planning board to work on.

As to the change of "Truck Terminal" as detailed in the staff report:

Fairbrother referred to the past when a truck terminal was proposed at IST directly behind the Maple Shade homes. Once the neighborhood contacted the town, it was not approved.

There are things that need to be looked at. Diesel engines are not the cleanest things in the world. The ABD district could be brought right up to the Maple Shade area, and Federal Express was also talking about another place.

Ormiston feels that is the type of business we are looking for. He would hate to have them forget our area.

Fairbrother said backing up to Maple Shade is a huge problem. This really needs to be studied. We need to consider those residences next to the ABD district.

Muir asked how truck terminal got approved.

Fairbrother said it was being done without our knowledge. A berm was put right on the line.

Dean mentioned that everyone said helicopters would be no problem at Sikorsky. Now neighbors are complaining that they sit there running for 20 to 30 minutes at a time. We need to protect the residents. A lot of the ABD district is near residents.

Polzella said that is why it would go to special permit. It is the best tool the town has.

Masler suggested leaving truck terminal where it is currently.

As to "Wind energy conversion systems" requirements:

Ormiston feels that the code pertaining to wind energy conversion is extremely vague. There are requirements for safety, but none to protect one's health. Also needing to be defined is whether they are prime use or accessory use. Ormiston recommends that the board consult an expert for the necessary requirements.

Polzella's opinion on wind energy is that it is directed mainly towards residential, and by nature of our code wind farms are prohibited.

Ormiston asked if that could be stated somewhere.

Polzella said there are no properties in town able to have the required setbacks for an entire wind farm.

Ormiston would like to have guidelines for any property owners who want one.

Byland agrees, saying the batteries and cabling could be dangerous.

Polzella stated that the majority of the laws are focused on commercial use. The town requirements rule out commercial, and instead are geared toward residential grade. He feels we have accomplished what is needed; all systems are required to be installed inside an 8ft fenced area.

Fairbrother and Smith questioned the size of the area to be fenced in.

Dean questioned the basis for safety inspections.

Ormiston feels inspections should be done by an architect or engineer.

Polzella stated that maintenance agreements are signed when windmills are installed.

As to the Zoning Map Amendments:

Staff recommends modifying the proposed zoning map to leave the Town Park zoned as Conservation. District extensions are proposed in order to create a more uniform parcel based zoning map.

**Motion to adjourn at 8:00pm by Byland, seconded by Esty, Discussion, None,
Motion Carries 7-0.**

Meeting adjourned at 8:01pm.